

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES T. BYRD, )  
Petitioner, ) Civil Action No. 16-639  
v. ) Judge Nora Barry Fischer  
COMMONWEALTH OF PENNSYLVANIA, ) Chief Magistrate Judge Maureen P. Kelly  
ALLEGHENY COUNTY DISTRICT )  
ATTORNEY, WARDEN ORLANDO L. )  
HARPNER, and ATTORNEY GENERAL OF )  
THE COMMONWEALTH OF )  
PENNSYLVANIA )  
Respondents. )

**ORDER OF COURT**

AND NOW, this 3<sup>rd</sup> day of October, 2016, after petitioner James T. Byrd filed a petition for writ of habeas corpus in the above-captioned matter, and after an answer was filed by the respondents, and after a Report and Recommendation was filed by Chief United States Magistrate Judge Maureen P. Kelly giving the parties until September 26, 2016 to file written objections thereto, and no Objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED, and that a Certificate of Appealability is also DENIED. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,

at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/Nora Barry Fischer  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

All Counsel of Record Via CM-ECF

James T. Byrd  
#52773  
Allegheny County Jail  
950 Second Avenue  
Pittsburgh, PA 15219